

CHAPTER 51: WATER CONSERVATION

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§ 51.01 PURPOSE.

It is the purpose and intent of this chapter to protect the health, welfare, and safety of the citizens of the town by assuring that available water resources are put to reasonable beneficial uses to avoid depletion of the town's water supply during a water shortage. This chapter shall be liberally construed to effectuate such purpose and intent. This chapter is authorized and enacted pursuant to the statutory authority cited above.
(Prior Code, § 15-51)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word "shall" is always mandatory and never directory.

CONSUMER. Any person who is an owner, occupant, or user of real property to which water is supplied by the town. The term shall also refer to any person who uses water supplied by the town, or to any person who is billed for the supply of water from the town, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by the town.

DIRECTOR. The Director of Public Works of the town.

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GOVERNING BOARD. The Board of Commissioners of the town.

PERSON. Any natural person, any group of persons, any firm, partnership, association, corporation, company, governmental entity, or any other organization or entity.

PUBLIC WORKS. The town's Department of Public Works.

TOWN. The Town of Pinebluff, North Carolina.

WATER. All water available to the town for treatment by virtue of the town's water rights or withdrawal permits and any treated water introduced by the town into its potable water supply and distribution system, including water purchased or offered for sale.

WATER SHORTAGE. Is deemed to exist when any one or all of the following difficulties are being encountered:

(1) The ordinary demands and requirements of water consumers served by the town cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation and fire protection is jeopardized;

(2) When there is inadequate water treatment capability; or

(3) When water transmission capability is disrupted or inadequate.
(Prior Code, § 15-52)

§ 51.03 WATER SHORTAGE RESPONSE, DECLARATION, AND CONSERVATION.

(A) (1) The existence and severity of a water shortage shall be determined initially by the Director of Public Works, taking into account the water levels of available sources of supply, available/usable storage on hand; drawdown rates, the projected supply capability, outlook for precipitation, existence of drought conditions, daily water use patterns, and availability of water from other sources.

(2) Upon determining that water conservation measures are necessary to adequately address the water shortage, the director may declare any stage of water conservation described herein to be in force.

(3) Declaration of any stage of water conservation affecting either the Town of Southern Pines shall only be made after the Director has consulted with the manager of the Town of Southern Pines Public Utilities Director prior to the declaration or as soon as practicable thereafter.

(4) Except in the case of an unforeseen emergency, prior to the initial imposition of a water conservation stage, the Director shall report to the governing board regarding the Administrations' intent to impose water conservation stages.

(B) (1) Following such initial report to the governing board, the director may impose such stages or stages of water conservation as may be deemed necessary to protect the town's water supplies.

(2) The imposition of each stage of water conservation shall be reported to the governing board as soon as possible following such imposition.

(3) The Director or the governing board may terminate any stage of water conservation upon determining that it is no longer necessary.
(Prior Code, § 15-53)

§ 51.04 APPLICATIONS, VIOLATIONS, ENFORCEMENT, AND REMEDIES.

(A) *Application.* This chapter shall apply to all water consumers of the town.

(B) *Violation.*

(1) In the event that the director shall declare one or more stages of water conservation as set forth herein, it shall be unlawful for any person to use or permit use of water supplied by the town in violation of any mandatory restrictions instituted.

(2) It shall be the duty of the Director of Public Works to investigate violations of the mandatory restrictions.

(3) Whenever the town has reasonable cause to believe that a person is violating any of the provisions of this section or any policy adopted hereunder, the Director of Public Works shall immediately notify that person of the violation by affixing a written notice of the violation to the property where the violation occurred and personally delivering or mailing such notice to the billing address of the consumer of record.

(4) Such notice shall describe the violation, order that it be corrected, cured or abated immediately or within such specified time as the public works director determines is reasonable under the circumstances and warn that more severe measures, such as civil penalties, criminal charges or termination of water service may be brought, assessed or imposed.

(5) All consumers shall cease any violation of the mandatory restrictions upon the order of the Director of Public Works. Notice under this section is effective upon posting of the property.

(6) If the order is not complied with, within the time period, the town may undertake enforcement action as outlined in this section.

(C) *Enforcement.* Any consumer within the town limits who violates any provision of the chapter, or who shall violate or fail to comply with any order made hereunder, shall be subject to any one, all, or a combination of the remedies described below, or appropriate equitable remedy issuing from a court

of competent jurisdiction. This chapter may be enforced against out-of-town consumers by discontinuance of service.

(D) *Equitable relief.*

(1) The provisions of this chapter may be enforced by any appropriate equitable remedy, including a mandatory or prohibitory injunction, and an order of abatement as authorized by G.S. § 160A-175.

(2) The town may commence a civil action in the appropriate division of the general court of justice for enforcement in accordance with the provisions of G.S. § 160A-175.

(3) It shall not be a defense to the town's application for equitable relief that there is an adequate remedy at law.

(E) *Discontinuance of service.* The town may discontinue water in accordance with the provisions of § 50.30.

(F) *Penalty not a substitute remedy.* The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue. Payment of fines and/or civil penalties will not authorize a consumer to return to the least severe penalty for subsequent violations. In other words, if a consumer comes into compliance after two offenses, the next offense shall be deemed a third offense rather than a first offense.

(G) *Warning.* The Director shall have authority, depending on the circumstances, to issue a warning for a first offense.

(Prior Code, § 15-54)

§ 51.05 STAGE 1: VOLUNTARY CONSERVATION.

Consumers shall be encouraged to observe water conservation measures to reduce the wasting of water as follows:

(A) Check plumbing, faucets, and toilets for leaks, and if necessary repair;

(B) Store drinking water in the refrigerator to avoid trying to run it cool at the tap;

(C) Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible;

(D) Refrain from running faucets while shaving, rinsing dishes, or brushing teeth;

(E) Install water flow restrictive devices in showerheads;

- (F) Install water-saving devices such as plastic bottles or commercial units in toilet tanks;
 - (G) Review water uses and where feasible install recycle systems, particularly commercial and industrial consumers;
 - (H) Limit the use of clothes washers and dishwashers, and when used, operate fully loaded;
 - (I) Reduce the flushing of toilets to the minimum whenever practical;
 - (J) Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration;
 - (K) Limit shrubbery watering to the minimum, reusing household water when possible;
 - (L) Limit car washing to the minimum;
 - (M) Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes;
 - (N) Limit hours of operation of water-cooled air conditioners where possible; and
 - (O) Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.
- (Prior Code, § 15-55)

§ 51.06 STAGE 2: MODERATE MANDATORY CONSERVATION.

- (A) Consumers shall be encouraged to observe the recommendations of Stage 1, and the level of the conservation effort shall be increased to require the following mandatory measures.
- (B) No person shall:
 - (1) Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight; twice weekly;
 - (2) Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment;
 - (3) Use water to wash down outside areas such as sidewalks, patios, driveways, or for other similar purposes;
 - (4) Introduce water into any decorative fountain, pool; or pond except where the water is recycled;

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(5) Serve water in a restaurant or similar establishment, except upon request;

(6) Use water for any unnecessary purpose or intentionally waste water; or

(7) Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

(C) All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30%.

(D) Such enterprises shall document the specific efforts they have made to reduce consumption. (Prior Code, § 15-55) Penalty, see § 51.99

§ 51.07 STAGE 3: SEVERE MANDATORY CONSERVATION.

(A) Consumers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2.

(B) The level of the conservation effort shall increase to require the following additional mandatory measures. No person shall:

(1) Water or sprinkle any lawn, grass, trees, or golf greens;

(2) Water any vegetable garden or ornamental shrubs;

(3) Fill and wading pool or swimming pool or replenish any filled pool;

(4) Make nonessential use of water for commercial or public use; and/or

(5) Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

(C) All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 50%. Such enterprises shall document the specific efforts they have made to reduce consumption.

(Prior Code, § 15-55) Penalty, see § 51.99

§ 51.08 STAGE 4: EMERGENCY MANDATORY CONSERVATION.

(A) Consumers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3.

(B) The level of the conservation effort shall increase to require the following additional mandatory measures. No person shall:

- (1) Use water outside a structure except in an emergency involving fire;
- (2) Operate evaporative air conditioning units, which recycle water except during the operating hours of the business;
- (3) Use any swimming pool or wading pool; or
- (4) Wash any motor vehicle, including commercial washing unless a private well is used.

(C) In addition to the conservation measures enumerated above, consumers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.
(Prior Code, § 15-55) Penalty, see § 51.99

§ 51.09 STAGE 5: RATIONING.

(A) Consumers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3, and 4.

(B) The level of the conservation effort shall increase to require the following mandatory measures.

- (1) Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- (2) All industrial uses of water shall be prohibited.
- (3) All other uses of water will be limited to those necessary to meet minimum health and safety needs of the consumers as determined by the Director of Public Works upon consultation with the Board of Commissioners.

(C) Failure to act in accordance therewith or use of water in any prohibited manner, or any attempt to evade or avoid water-rationing restrictions, shall be unlawful.
(Prior Code, § 15-55) Penalty, see § 51.99

§ 51.10 SCOPE AND DURATION.

(A) Water conservation measures shall be applicable to all users of the system, including users located outside the town.

(B) Conservation measures shall be in force until they are terminated by the Director of Public Works or the governing body.

(C) Notice of conservation measures shall be broadly reported to the media, and shall, where feasible be included on all consumer's utility bills.
(Prior Code, § 15-56)

§ 51.99 PENALTY.

(A) *Criminal penalties.*

(1) Any person violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

(2) Each day's continuing violation shall constitute a separate and distinct offense.

(3) The penalty for violation shall be a fine of \$50 per occurrence or imprisonment for not more than 30 days.

(B) *Civil penalties.*

(1) In addition to or in lieu of criminal prosecution, violation of this chapter may subject the violator or consumer to a civil penalty of \$50 per violation per day for so long as the violation exists, the first violation (excluding any previous warnings), and \$250 per violation per day for the second and subsequent violations.

(2) Each day on which a violation occurs or continues shall constitute a separate and distinct violation.

(3) The town shall serve a written citation on the violator, and the consumer, if different, by personal delivery or by certified or registered mail, return receipt requested or by any other means acceptable for service of civil process.

(4) The citation shall describe the violation, shall specify the amount of the civil penalty levied, and shall direct the violator to pay the civil penalty to the town's finance office within ten days of the date the citation is received.

(5) If the violator fails to pay the civil penalty, the town may institute a civil action in the nature of debt to recover the civil penalty.

(Prior Code, § 15-54)